

REMARKS

The Applicant appreciates the Examiner's careful examination of this case. Reconsideration and re-examination are respectfully requested in view of the instant remarks.

On pages 2 and 3 of the Office Action, the Examiner has rejected claims 1, 4, 6 - 9, 11 - 17, 21 and 23 as being anticipated by Jay US Patent No. 5,018,790. On page 4 of the Office Action, the Examiner has rejected claims 10 and 20 as unpatentable over the Jay US Patent No. 5,018,790 in view of Ito US Patent No. 4,865,379 and Aoki et al US Patent No. 4,813,738. The Examiner has kindly indicated that claim 18 would be allowable if rewritten to overcome the stated objections and to include all of the limitations of the base claim and any intervening claims. The Examiner has previously indicated that claim 18 would be allowable. As stated in the Response to the first Office Action, the Applicant is much obliged to the Examiner for indicating that claim 18 would be allowable. However, in reviewing Jay and with the greatest respect, the Applicant still believes that he is entitled to a little broader protection than would be afforded by claim 18.

The Examiner's reasons for rejecting claims 1, 4, 6 - 9, 11 - 17, 21 and 23 over Jay are set out on page 5 of the Office Action. The Applicant agrees entirely with the Examiner's statement that the Applicant's main argument is that the seat portion of Jay must always have what might be regarded as first and

second parts as shown in Figure 1 plus the fluid filled pad 42 shown in Figure 3 and forming an essential part of all of the Jay claims. We believe that the Examiner agrees that the fluid filled pad 42 is an essential part of the Jay seat. In support of the fluid filled pad 42 being essential, we note the Jay Summary of the Invention at column 2 line 15 and the reference to "covered with a pressure relieving pad containing a fluid filling material". We also note the description of "The Pad" at column 5 line 40 – column 6 line 7. Although column 5 line 42 refers to "the preferred embodiment" it is absolutely clear from reading the description of the drawings that the pad 42 is essential. We further note that the Jay patent has independent claims 1, 5, 9, 13, 17, 21 and 25. All of these claims have the (fluid filled) pad as an essential feature. A reader of the Jay patent can come to no other conclusion than the fact that the fluid filled pad is essential.

However, the Examiner states as follows:

However, "fluid filled pad" in the Jay patent is not "in the seat portion" as newly amended claim 1 recites.

Furthermore, Jay discloses that "the pad 42 need not be attached to the tray" (see column 6, lines 55 – 57). With that statement and teaching, Jay also teaches that the first and second parts can be the only parts in the seat portion which provide a posterior-supporting function as defined, since the "fluid filled pad" can or cannot be present.....

The Applicant was much obliged for the above explanation of the Examiner's understanding of what Jay teaches. We understand the Examiner's position to be that Jay teaches that the first and second parts of the seat portion can be the only parts in the seat portion which provide a posterior-supporting function. In view of this, claim 1 and the statement of invention in the Response filed on 14 May 2007 have been amended to specify that it is the Applicant's seat and not just the seat portion in which the first and second parts are the only parts which provide the posterior-supporting function. Thus the Applicant's amended claim 1 now clearly distinguishes over the Jay specification because the Jay entire seat is such that the fluid filled pad 42 is always present and it certainly provides a posterior-supporting function, see for example Jay at column 2 lines 18 – 20 "a pressure relieving pad containing a fluid filling material to present a customised, comfortable posture-correcting pressure relieving seat cushion".

The Applicant relies for the patentability of the sub-claims 4, 6 – 9, 11 – 17, 21 and 23 which have been rejected as anticipated by Jay, and for the patentability of claims 10 and 20 which have been rejected as being unpatentable over Jay in view of Ito and Aoki et al, on the fact that all of these claims include the features of amended claim 1, and amended claim 1 is believed to be allowable for the reasons stated above. Insofar as Section 6 of the Office Action Summary refers to claim 19, it is noted that claim 19 has been rejected.

Accordingly, it is respectfully submitted that this application is in condition for allowance. Early and favorable action is respectfully requested.

If for any reason this RESPONSE is found to be INCOMPLETE, or if at any time it appears that a TELEPHONE CONFERENCE with Counsel would help advance prosecution, please telephone the undersigned or one of his associates, collect in Waltham, Massachusetts, at (781) 890-5678.

Respectfully submitted,

T. E. Thompson, Jr.
Thomas E. Thompson, Jr.
Reg. No. 47,136